

1 Gerard Dogge
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Belgium – Europe
4 Gerard-Bakardy@hotmail.com
Cell: 011.34.606.35.65.04.

10th of September 2012

2012 SEP 11 A 08:58

5 **No Counsel - PRO - SE**

6
7 Teller, an individual

8 Plaintiff.

9 v.

10 Gerard Dogge (Gerard Bakardy),
11 an individual

12 Defendant.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

CASE N° 2:12-cv-00591-JCM-GWF

DECLARATION OF GERARD DOGGE
TO INFORM THE COURT

Honorable Judge James C. Mahan,

Forgive me for approaching the Court in this way.

I, Gerard Dogge, declare under penalty of perjury as follows:

I'm over the age of 18 years and residing in Belgium – Europe.

I am a victim of a 'reckless' proceeding initiated by Mr. Teller as I am falsely accused of copyright infringement.

I take note of the "notice of hearing" and the 'EMERGENCY MOTION FOR ANTI-SUIT INJUNCTION' filed by plaintiff, where I can read that the Court were not given the true facts.

On September 3rd 2012 I received a 'notice of hearing' referring to "PLAINTIFFS REQUEST FOR AN ORDER SHORTENING TIME AND DETERMINATION OF EMERGENCY MOTION FOR ANTI-SUIT INJUNCTION" and a hearing was planned on the 6th of September 2012 at 2:30 pm.

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2 CASE N° 2:12-cv-00591-JCM-GWF

3 Due this short notice of time, it was impossible for me to be present in your
4 Court Chambers in order to be heard and therefore impossible to protect my
5 interests.

6
7 I therefore like to thank the Court for postponing this hearing.

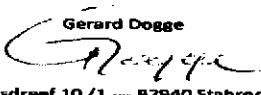
8
9 The fact is that Mr. Teller was summoned on September 6th 2012 to appear
10 before the Belgium Court in Antwerp on November 14th 2012. Mr. Teller is
11 officially served as you can see in the attachments. **Therefore I assume that**
12 **the motion for anti-suit injunction is without a cause.**

13 My complaint, filed in the Belgium Court, was initiated to stop the damages
14 caused by incriminating evidence in the court case filed by Mr. Teller, in Nevada,
15 Las Vegas. To the contrary of what Mr. Teller declares, this evidence (Exh. 3 filed
16 on 04/11/2012) did not concern confidential court documents, but was distributed
17 millions of times on the worldwide internet.

18 Several times I have asked Mr. Teller to not use those incriminating documents,
19 but he responded dismissively. This has forced me to the court proceedings in
20 Antwerp, the center of my interests.

21
22 The damages I suffered and still suffer is immense.

23
24 With the deepest respect,

25
26 
Gerard Dogge
Abtsdreef 10 / 1 --- B2940 Stabroek
Belgium - Europe

27
28 In attachment: WRIT OF SUMMONS (7 pages) & AFFIDAVIT OF SERVICE (2 pages)

EXHIBIT 1

Eric LIBBRECHT
Process-Server

TRANSLATION

Ref. Mr W. Carpels : 347-3
Ref. P-S Libbrecht : A2081-12

WRIT OF SUMMONS

In the year two thousand and twelve, this twenty-seventh day of July.

AT THE REQUEST OF : Mr Gerard DOGGE, conjurer, domiciled at Abtsdreef 10 box 1, B-2940 Stabroek, Belgium, For whom acts as counsel Maitre Wim CARPELS, lawyer at Kasteeldreef 125, 2970 Schilde, Belgium.

1

The plaintiff is a professional family entertainer: under his stage name of Gerard Bakardy he writes and plays music, designs and performs magic acts, in hotels, restaurants, aboard cruise ships, etc. . . . , to give an evening's entertainment for a public of families, adults and children.

One of the magic tricks of the plaintiff's own invention that he wanted to perform is the presentation of the act called "The Rose and her Shadow". He recorded a video of his new trick and placed it on You Tube with the intention of thus obtaining several performance contracts and / or appearances and also to sell the trick.

2

The film placed by the plaintiff on You Tube was immediately removed from the Internet on complaint by a certain Raymond Teller. At the same time Teller approached the plaintiff, asking the latter to sell the trick exclusively to him and no longer to put it up for sale to the public.

When the plaintiff did not accept that offer said Raymond Teller, defendant, of American nationality, apparently reacted alleging that he was the inventor of the act called "Shadows" and Teller sent the plaintiff a complaint to appear before the Federal Court of the State of Nevada.

The plaintiff was therein given to understand that Teller maintains that he is the owner of the copyright of the magic trick "Shadows" and that the performance by the plaintiff of the act "The Rose and her Shadow" was a violation of his copyright. For this reason Teller demanded that it be found that the plaintiff had infringed upon Teller's copyright, that the plaintiff be prohibited from performing or selling the act "The Rose and her Shadow" and, moreover, that the plaintiff be ordered to pay compensation.

Until this day the plaintiff has not received the complaint by judiciary letter, process-server or otherwise: there is thus no court case pending before the Federal State of Nevada.

For the record the plaintiff wishes to make it clear that he absolutely contests violation of the defendant's alleged copyright.

3.

Unlike in Belgium cases in the United States of America are apparently introduced immediately with submission of the documents on which the claim is based and, in this particular case, Teller has included four exhibits in his written claim.

The crux of the matter is the third document submitted by Teller, so-called "Exhibit 3".

This document contains three pages, and these pages are print-outs of a "screenshot" from the film posted on You Tube by the plaintiff, in which the plaintiff explains the precise nature of his trick "The Rose and her Shadow".

That would not represent any problem *per se*, were it not that a number of favourite website links are displayed above the plaintiff's head, photo and name, as they can be seen on the PC from which Mr. Teller's exhibits were printed out.

These websites seem to be extremely hardcore homosexual pornographic websites. These websites often suggest the very young age of the 'actors' ('mantube', 'CFSelect', 'Corbin', '2long')

These screenshots make no reference of any kind to Raymond Teller, and it is made to appear that the favourite weblinks belong to the plaintiff who, however, has never visited them and, on the contrary, considers them disgusting.

4.

The complaint made by Teller against the plaintiff was apparently published on an official website on the internet. This website gives information about the progress of the proceedings and shows the complete charge with the submitted exhibits.

(Justia.com - Dockets & Filings):

<http://docs.justia.com/cases/federal/district-courts/nevada/nvdce/2:2012cv00591/86951/1/>

The items of evidence, or "exhibits", can be found on:

<http://docs.justia.com/cases/federal/district-courts/nevada/nvdce/2:2012cv00591/86951/1/3.html>

It is on this official site that the media obtain their first and direct information.

Because of the extensive interviews given by Teller internationally the general press and certainly also the special-interest press came to hear of the charge. Since then the press has been reporting on it in daily and weekly newspapers and, of course, on the worldwide internet.

The consequence is that these articles that refer to the charge and submitted documents and exhibits may be read anywhere in the world by anybody, including by professional and amateur magicians, but also by hotel and theatre managers, etc.

The theme of the alleged infringements on the copyright and the plaintiff's name then appear in all kinds of specialist public forums such as www.goochelaars.com, www.themagiccafe.com, www.geniimagazine.com, <http://arstechnica.com>, etc., whereby anyone having read the charge and submitted documents must realize that references are made therein to sites with homosexual pornographic content.

These forums are visited every day by hundreds of thousands of interested persons.

The consequence is that the plaintiff is associated with perverted homosexual pornographic websites, and that his good name and reputation have been besmirched, whereby his career has been deliberately destroyed.

5.

The plaintiff has more than once urged the defendant to desist from these 'humiliating' practices, asking him what his intention was in placing perverted weblinks above the name, photo and person of the plaintiff, to which Teller would reply that he could see no reason not to use these documents.

This clearly demonstrates the deliberate intent of the defendant.

The harm since and even now inflicted on the plaintiff is immense and irreparable: his name and stage name are now associated with the websites in question, no-one is interested any longer in his performances or products: such was perhaps Teller's intention, to eliminate the plaintiff once and for all as a rival magician.

6.

The harm to the plaintiff may be found not only in the fact of the published perverted weblinks above the person of the plaintiff but, moreover, also in the fact that the defendant even now does not desist from using the media at international level to discourage potential purchasers of the plaintiff's trick by threatening them that they would become involved in legal proceedings should they in fact purchase.

This now makes it impossible for the plaintiff to pursue any commercial activity in the entertainment sector in which he practices his profession.

7.

The damage is thus multiple. Emotional. Moral. Physical. Personal. Professional. Financial.

The damage is not temporary but, given the nature of the Internet, will surely persist until the end of the 'net' itself.

The plaintiff estimates the loss that he has sustained at 8,000,000 EUR, to which amount must be added the compensatory interests and judicial interests until the day of final payment.

Therefore I the undersigned, **Eric LIBBRECHT**, Process-Server practising at 2660 Antwerp - Hoboken (Belgium), Kioskplaats 24,

HAVE SERVED SUMMONS UPON :

Raymond Teller, performing at the Rio All Suite Hotel & Casino, Las Vegas, Nevada, U.S.A.

- Effecting the service as said hereinafter -

TO APPEAR before Division 10 B of the Antwerp Court of First Instance, holding court in the New Court House at 2000 Antwerp (Belgium), Bolivarplaats 20, Room E1, at 09.00 a.m., on **Wednesday the fourteenth day of November next**.

IN ORDER :

For aforementioned reasons and all others to be asserted in due course and here expressly reserved, to hear these claims be declared admissible and meritorious in respect of both form and content.

To hear the defendant be ordered to pay the plaintiff the provisional amount of 8,000,000 EUR, amount to be increased by the compensatory interests and the judicial interests up to the day of the payment, as well as by the costs of the action, including the compensation for legal proceedings and the costs hereof.

To hear the judgment to be given be declared provisionally enforceable notwithstanding all recourse and to the exclusion of any ability to make payment into court.

Claim based on the said grounds, the laws in effect in this matter and all means to be put forward in due time.

Without prejudice and without any prejudicial acknowledgment by the plaintiff.

And in order to inform the addressee, but since he is domiciled in Las Vegas, Nevada, USA, and since I have no knowledge of any residence or address for service of the addressee in Belgium, I, the undersigned and afore-named Process-Server, have under the International Convention on the service and notification abroad of judicial and extra-judicial documents in civil and commercial matters, signed at The Hague on 15 November 1965, sent under registered cover, handed today at the Post Office in Antwerp (Hoboken) - Belgium :

- 1/ a request form for service, corresponding to the model form annexed as an appendix to the said Convention and properly completed in English ;
- 2/ two copies of this writ (and of the documents mentioned in it), each copy went with a translation into English and a form "Summary of the document to be served", also properly completed in English ;

To the following Central Authority, appointed by the said contracting State, this is to say :

Central Authority
U.S. Department of Justice
Civil Division
Office of International Judicial Assistance
1100 L Street N.W.
Room 11006
WASHINGTON, D.C. 20530
United States of America

requesting the latter :

- 1° to have one of the copies of this writ mentioned sub 2° supra, with an English translation and the form "Summary of the document to be served", served upon :

Raymond Teller, performing at the Rio All Suite Hotel & Casino, Las Vegas, Nevada, U.S.A.

in due observance of the forms prescribed by the requested State for the service or notification of documents, this is to say in accordance with the provisions of article 5, paragraph 1, sub-paragraph a, of the said Convention ;

- 2° to return the remaining copy to me with the certificate of service provided by article 6 of the said Convention, stating that the request has been complied with and indicating the form, place and time of service, as well as the person to whom the document has been remitted, or, if there is occasion, indicating the circumstances which have prevented the service.

And since article 10 of the said Convention does not object against the possibility of sending judicial documents directly by mail to the addressee residing abroad, unless the State of destination is opposed to it - quod non -, I have also sent a copy of this writ (and of the documents mentioned in it) with an English translation as well as with a form "Summary of the document to be served", drawn up in English, under registered cover with notice of receipt card, to the address of the party concerned, effecting the service at the said Post Office.

I have annexed the receipts of registration of these covers to the original of this writ.

WHEREOF RECORD. The costs amount to :
Whereof record : 6 pages.

"Registration fees - Application of section 8bis of the Reg. Code
Registration fee : 25.00 EUR"

signed : Eric LIBBRECHT

CERTIFIED TRUE TRANSLATION

Anne CLEEREN, sworn translator to the Court of First Instance in Antwerp.

ANTWERP COURT OF FIRST INSTANCE

ANTWERP, BELGIUM

New Court House
Bolivarplaats 20, Room E1
Antwerp, Belgium

Gerard Dogge

Plaintiff,

Division 10 B

vs.

Raymond Teller aka Teller

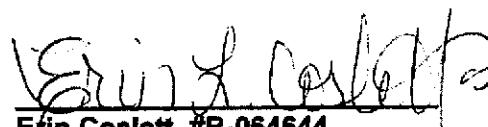
Defendant.

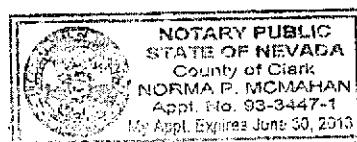
AFFIDAVIT OF SERVICE

Erin Coslett, being duly sworn deposes and says: That at all times herein affiant was and is a citizen of the United States of America, over 18 years of age, licensed to serve civil process in the State of Nevada under license 604, and not a party to or interested in the proceeding in which this affidavit is made. The affiant received 1 copy of the **Writ of Summons (English translated copies); and Copies of foreign documents** on the **6th day of September, 2012**, and served the same on the **6th day of September, 2012**, at **3:53pm**. Service of said documents was accepted on behalf of the defendant, **Raymond Teller aka Teller by Mark G. Tratos, Esq., at Law Offices of Greenberg Traurig, 3773 Howard Hughes Parkway, Suite 400 North, Las Vegas, Nevada 89169.**

State of Nevada, County of Clark
SUBSCRIBED AND SWORN to before
me this 6th day of September, 2012

Notary Public


Erin Coslett #R-064644
Process Server
Legal Process Service
State License 604
626 South 8th Street
Las Vegas, Nevada 89101
Phone: 702 471 7255



**ANTWERP COURT OF FIRST INSTANCE
ANTWERP, BELGIUM**
New Court House
Bolivarplaats 20, Room E1
Antwerp, Belgium

Gerard Dogge

Plaintiff,

Division 10 B

vs.

Raymond Teller aka Teller

Defendant.

ACCEPTANCE OF SERVICE

Mark G. Tratos, Esq., acknowledges receipt of and hereby accepts service of Writ of Summons in the above captioned matter on behalf of the following defendant:
Raymond Teller aka Teller.

Dated this 11 day September, 2012.


Mark G. Tratos, Esq.
Greenberg Traurig
3773 Howard Hughes Pkwy, Suite 400 North
Las Vegas, Nevada 89169